

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

IRENE S.,

Petitioner,

v.

THE SUPERIOR COURT OF FRESNO
COUNTY,

Respondent;

FRESNO COUNTY DEPARTMENT OF
SOCIAL SERVICES,

Real Party in Interest.

F073829

(Fresno Super. Ct.
No. 08CEJ300264-6)

OPINION

THE COURT*

ORIGINAL PROCEEDINGS; petition for extraordinary writ review. Brian M. Arax, Judge.

Irene S., in pro. per., for Petitioner.

No appearance for Respondent.

Daniel C. Cederborg, County Counsel, and Brent C. Woodward, Deputy County Counsel, for Real Party in Interest.

-ooOoo-

* Before Gomes, Acting P.J., Detjen J. and Franson, J.

Irene S. (mother), in propria persona, seeks an extraordinary writ from the juvenile court's dispositional orders denying her reunification services and setting a Welfare and Institutions Code section 366.26¹ hearing as to her eight-month-old daughter, K.S. We conclude mother's petition fails to comport with the procedural requirements of California Rules of Court, rule 8.452² and dismiss the petition.

PROCEDURAL AND FACTUAL SUMMARY

Mother has six minor children including K.S. and an extensive history with child protective services. In October 2008, her two oldest sons were removed from her custody because of her substance abuse and unstable housing. She was ordered reunification services, including substance abuse treatment but failed to comply. Consequently, her services were terminated and in January 2010, so were her parental rights. Mother continued to struggle with substance abuse and in April 2010, her daughter was removed from her custody. Mother was denied reunification services and in September 2011, her parental rights were terminated. In July 2014, mother's then two-year-old son (the two-year-old) and three-year-old daughter (together the youngest siblings) were removed from her custody after the two-year-old sustained second to third degree burns on his feet which appeared to be non-accidental submersion burns. The two-year-old had no skin on his feet, only flesh with nail beds. In October 2014, the juvenile court granted the youngest siblings' father, Francisco, sole physical and legal custody. The family court ordered monthly therapeutic visits for mother and, upon completion of therapeutic visits, one monthly supervised visit.

Dependency proceedings as to K.S. were initiated in December 2015 after social worker Maria Sanchez received a report of possible child neglect concerning K.S. and the

¹ All statutory references are to the Welfare and Institutions Code.

² All rule references are to the California Rules of Court.

youngest siblings. The reporting party stated that mother last used methamphetamine six weeks before and was homeless. The reporting party also stated that law enforcement had been called concerning the family for domestic violence.

Sanchez spoke to a nurse at the hospital where K.S. was born. The nurse stated that Francisco was not K.S.'s father but he wanted to keep the baby instead of placing the baby for adoption. Although mother and K.S. had a negative toxicology screen for drugs, mother told the nurse that she used methamphetamine two months before. The nurse stated that K.S. was in respiratory distress and in critical care.

Mother told Sanchez she moved back in with Francisco and they were trying to reunify as a family. She said she last used methamphetamine 10 months before and had been clean for five years before that. She began using methamphetamine when she was 18 years old and was 28 years old when she gave birth to K.S. She had never been to a substance abuse program and did not have a sponsor. She said she stopped using on her own.

Sanchez spoke to Francisco at the family residence. She found the youngest siblings appropriately dressed with no signs of abuse or neglect and she did not see any safety hazards in the home. Francisco said that mother had lived with him for three months. He denied any domestic violence, criminal history or mental health diagnosis.

After conferring, the Fresno County Department of Social Services (department) decided to pursue a protective warrant for K.S. and leave the two youngest siblings in Francisco's care after Francisco agreed to abide by the custody and visitation order. In January 2016, mother enrolled in WestCare's residential drug and alcohol treatment facility for a 180-day program and agreed to attend Narcotics Anonymous meetings and submit to random drug testing.

In January 2016, the department took K.S. into protective custody and filed a dependency petition on her behalf, alleging she came within the juvenile court's

jurisdiction under section 300, subdivisions (b) and (j). The department identified a presumed father.

The juvenile court detained K.S. pursuant to the petition but did not offer mother any services. The department placed K.S. in a foster home.

The department initially recommended the juvenile court provide mother reunification services, however, changed its position after she was discharged from WestCare for fraternizing with men in the program and referred to an outpatient program. The department recommended the juvenile court deny her reunification services under section 361.5, subdivision (b)(10), (11) and (13).³

In May 2016, the juvenile court adjudged K.S. a dependent child as alleged in the petition and denied mother reunification services as recommended. The court also denied reunification services for K.S.'s presumed father and set a section 366.26 hearing. This petition ensued.

DISCUSSION

As a general proposition, a juvenile court's rulings are presumed correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) Thus, absent a showing of error, this court will not disturb them. A parent seeking review of the juvenile court's orders from the setting hearing must, as mother did here, file an extraordinary writ petition in this court on form JV-825 to initiate writ proceedings. The purpose of writ proceedings

³ Section 361.5, subdivision (b)(10) allows the juvenile court to deny a parent reunification services if it finds that it terminated reunification services for a sibling or half sibling of the child and the parent did not subsequently make reasonable efforts to treat the problem that led to the removal of the sibling or half sibling. Subdivision (b)(11) mirrors (b)(10) except that it requires the court to find that it terminated parental rights over the sibling or half sibling rather than that it terminated reunification services. Subdivision (b)(13) allows the court to deny reunification services to a parent who has a history of extensive, abusive, and chronic drug or alcohol use and has resisted prior court-ordered treatment for this problem.

is to allow this court to review the juvenile court's orders to identify any errors before the section 366.26 hearing occurs. Rule 8.452 requires the petitioner to identify the error(s) he or she believes the juvenile court made. It also requires the petitioner to support each error with argument, citation to legal authority, and citation to the appellate record. (Rule 8.452(b).)

Mother in essence filed a blank writ petition. She checked the boxes indicating that she wanted reunification services and K.S. returned to her custody. However, she left blank item number six on the JV-825, where she was required to identify the grounds on which the juvenile court erred.

When the petitioner does not allege legal error, as occurred here, there is nothing for this court to review. Consequently, we dismiss the petition as facially inadequate.

DISPOSITION

The petition for extraordinary writ is dismissed. This opinion is final forthwith as to this court.